



New South Wales

# Superannuation Administration (Vision Super Transitional Provisions) Regulation 2024

under the

Superannuation Administration Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Superannuation Administration Act 1996*.

DANIEL MOOKHEY, MLC  
Treasurer

## Explanatory note

The object of this regulation is to facilitate a successor fund transfer of members and benefits from the local government superannuation scheme, Active Super, to Vision Super.

This regulation is made under the *Superannuation Administration Act 1996*, including sections 127B, 128, 128A and 129, the general regulation-making power.

## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of regulation	3
2 Commencement	3
3 Definitions	3
<b>Part 2 Transfer of members and employers—the Act, ss 127B and 128</b>	
4 Part has no effect before transfer day	4
5 Transfer of members	4
6 Transfer of payment of certain benefits	4
7 Effect of transfer	4
8 Existing claims about former scheme	4
9 Other claims about former scheme	4
10 Status of employers	4
11 Mobility rights	5
<b>Schedule 1 Transferred employers</b>	<b>6</b>
<b>Schedule 2 Amendment of Superannuation Administration (Cbus Transitional Provisions) Regulation 2022</b>	<b>7</b>

## Superannuation Administration (Vision Super Transitional Provisions) Regulation 2024

under the

Superannuation Administration Act 1996

### Part 1 Preliminary

#### 1 Name of regulation

This regulation is the *Superannuation Administration (Vision Super Transitional Provisions) Regulation 2024*.

#### 2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

#### 3 Definitions

In this regulation—

**claim**, about the former scheme, includes the following matters, but only to the extent the matter relates to a defined benefit division—

- (a) a complaint about the former scheme or the trustee of the former scheme,
- (b) a complaint about a matter involving the former scheme or the trustee of the former scheme that may give rise to a financial loss to a member or beneficiary of the former scheme,
- (c) an application for a benefit or entitlement under the former scheme,
- (d) a matter that was to be treated, because of a transitional provision in an Act or regulation, as if it were a claim against the trustee of the former scheme.

**defined benefit division** means Division B, Division C or Division D of the former scheme.

**former scheme** means the local government superannuation scheme.

**successor fund** means Vision Super.

**the Act** means the *Superannuation Administration Act 1996*.

**transfer day** means the day specified as the transfer day by the Minister in a notice published in the Gazette.

**transferred employer** means an employer listed in Schedule 1 and includes a successor of an employer listed in Schedule 1.

**transferred member** means a member of a defined benefit division who is transferred to the successor fund under section 5.

**Vision Super** means the Local Authorities Superannuation Fund, ABN 24 496 637 884.

**Note**— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

## Part 2 Transfer of members and employers—the Act, ss 127B and 128

### 4 Part has no effect before transfer day

This part does not have effect before the transfer day.

### 5 Transfer of members

A member of the former scheme is transferred to the successor fund.

### 6 Transfer of payment of certain benefits

A benefit payable under the former scheme becomes payable in accordance with the governing rules of the successor fund.

### 7 Effect of transfer

A transferred member ceases to have entitlements, rights and obligations under the former scheme and instead has entitlements, rights and obligations under the successor fund.

### 8 Existing claims about former scheme

- (1) The management of an existing claim becomes the responsibility of the trustee of the successor fund if the claim has not been finally dealt with before the transfer day.
- (2) The trustee of the successor fund must deal with the existing claim in accordance with procedures under the successor fund.
- (3) In this section—  
*existing claim* means a claim about the former scheme made to the trustee of the former scheme before the transfer day.

### 9 Other claims about former scheme

- (1) A claim about the former scheme made after the transfer day must be managed and decided by the trustee of the successor fund.
- (2) The trustee of the successor fund must deal with the claim in accordance with procedures under the successor fund.
- (3) To avoid doubt, this section applies to a claim if—
  - (a) the claim relates to service with an employer before the transfer day by the following (a *relevant person*)—
    - (i) a member of the former scheme who is transferred under section 5,
    - (ii) a former member of an STC scheme, and
  - (b) the service was with a transferred employer who was responsible for the payment of benefits under the former scheme for the service, and
  - (c) the claim is about the entitlements or obligations of—
    - (i) a relevant person, or
    - (ii) a beneficiary of a relevant person.

### 10 Status of employers

A transferred employer—

- (a) is taken to no longer be an employer of a transferred member for the former scheme, and

- (b) is instead taken to be an employer of the transferred member for the successor fund, and
- (c) is bound by the terms of the trust deed establishing the successor fund, and
- (d) must make payments and contributions to the successor fund—
  - (i) for the transferred member, and
  - (ii) in accordance with the trust deed.

## 11 Mobility rights

- (1) For the Act, section 128(1)(a), the following public sector employers are prescribed—
  - (a) an employer listed in the *Superannuation Act 1916*, Schedule 3,
  - (b) an employer listed in the *State Authorities Superannuation Act 1987*, Schedule 1.
- (2) For the Act, section 128(1)(c), the eligibility requirements for an employee are—
  - (a) the employee is an employee of a transferred employer, and
  - (b) since the employment that made the employee eligible to be a member of or contributor to the STC scheme, the employee has—
    - (i) remained an employee of an STC employer, or
    - (ii) been employed by a succession of employers with no break in service longer than the prescribed time and each employer was, at the time of the employment—
      - (A) a transferred employer, or
      - (B) an STC employer.
- (3) For the Act, section 128(2)(d), an employer is prescribed as a public sector employer if the employer—
  - (a) is listed in—
    - (i) the *Superannuation Act 1916*, Schedule 3, or
    - (ii) the *State Authorities Superannuation Act 1987*, Schedule 1, and
  - (b) is responsible for making contributions under the STC scheme that the employee was previously a member of or contributed to.
- (4) For the Act, section 128(2)(e), the eligibility requirements for an employee are—
  - (a) the employee was a transferred member, and
  - (b) since being transferred, the employee has—
    - (i) remained an employee of a transferred employer, or
    - (ii) been employed by a succession of employers with no break in service longer than the prescribed time and each employer was, at the time of the employment—
      - (A) a transferred employer, or
      - (B) an STC employer.
- (5) In this section—
  - prescribed time** means a period of 3 months.
  - STC employer** means an employer responsible for making contributions under an STC scheme.

## **Schedule 1 Transferred employers**

A council or county council within the meaning of the *Local Government Act 1993*

Australian Red Cross Lifeblood

Civic Risk Mutual Ltd

Illawarra Shoalhaven Joint Organisation

Local Government NSW

Local Government Procurement Pty Ltd

Murrumbidgee Irrigation Limited

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, operating as the United Services Union

NSW Rural Fire Service

Other employers who, immediately before the transfer day, were responsible for the payment of benefits or contributions for a defined benefit division

## **Schedule 2      Amendment of Superannuation Administration (Cbus Transitional Provisions) Regulation 2022**

### **[1]    Section 11 Mobility rights**

Insert before section 11(1)—

- (1A) For the Act, section 128(1)(a), the following public sector employers are prescribed—
- (a) an employer listed in the *Superannuation Act 1916*, Schedule 3,
  - (b) an employer listed in the *State Authorities Superannuation Act 1987*, Schedule 1.

### **[2]    Section 11(1AA)**

Insert after section 11(1)—

- (1AA) For the Act, section 128(2)(d), an employer is prescribed as a public sector employer if the employer—
- (a) is listed in—
    - (i) the *Superannuation Act 1916*, Schedule 3, or
    - (ii) the *State Authorities Superannuation Act 1987*, Schedule 1, and
  - (b) is responsible for making contributions under the STC scheme that the employee was previously a member of or contributed to.